

60654 00021895

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UBS REAL ESTATE SECURITIES, INC.,

Plaintiff,

Case No. 07-CV-3700 (SAS)

-against-

**DEFENDANT'S FIRST  
REQUEST FOR THE  
PRODUCTION OF  
DOCUMENTS TO  
PLAINTIFF**

COUNTY TRUST MORTGAGE BANKERS  
CORP.,

Defendant,  
-----X

TAKE NOTICE that Defendant, COUNTY TRUST MORTGAGE BANKERS CORP., hereby requests, pursuant to Fed. R. Civ. P. § 33, that Plaintiff answers in writing the following interrogatories within thirty (30) days of the date hereof.

**DEFINITIONS AND INSTRUCTIONS**

1. The terms "communication," "document," "identify," "parties," "person," and "concerning" shall have the meanings set forth in Local Civil Rule 26.3(c). The rules of construction set forth in Local Civil Rule 26.3 (d) apply to this request.
2. "Plaintiff" means plaintiff UBS REAL ESTATE SECURITIES, INC., individually and jointly, their agents and attorneys.
3. "UBS" means plaintiff UBS REAL ESTATE SECURITIES, INC.

4. "Defendant" means defendant COUNTY TRUST MORTGAGE BANKERS CORP.

5. "County Trust" means COUNTY TRUST MORTGAGE BANKERS CORP.

6. "Purchase Agreement" means Master Mortgage Loan Sale Agreement dated as of January 30, 2005, entered into by UBS and County Trust.

7. "Written Notices" means notices of Early Payment Default Loans given by UBS to County Trust, from June 2006 to March 2007.

8. "Complaint" means the Complaint served by Plaintiff in this action.

9. Documents attached to each other contained in a file, folder, or similar binder should not be separated and should be produced as so attached, contained, or bound.

10. If any documents responsive to these requests are withheld on the grounds of attorney-client privilege, attorney work product, material prepared for litigation, or other judicially recognized privileges, furnish a list at the time of the production of these documents which includes (i) the title of the document; (ii) the subject matter of the document; (iii) the author and recipient of the document; (iv) the nature of the privilege which is claimed.

11. This request is intended to be continuing in nature, and should be supplemented in the event that the party served obtains additional responsive documents after the time of initial production.

**DOCUMENT REQUESTS**

1. A copy of the Purchase Agreement referred to in paragraph "6" of the Complaint.
2. A copy of the Written Notices of Early Payment Default Loans and alleged exercise of UBS' option to require Country Trust to repurchase Early Payment Default Loans, referenced in paragraph "11" of the Complaint.
3. Copies of any and all loan, payment, and default documents concerning the nine (9) loans referenced in Exhibit "A" of the Complaint, including:

<u>Borrower Name</u>	<u>UBS Loan ID</u>
Zabroske, Benjamin A.	777021609
Upegui, Carlos	777014714
Carrillo, Margot	777013706
Morris, Wilbert	334582213
Gomez, Martha	777015028
Gonzalez, Tomasa V.	777017296
Gomez, Beatriz	777024533
Farray, Ralmundo	335338992
Semaan, Pedro	335338990

4. Copies of any and all documents evidencing UBS' mitigation of its alleged losses, if any.

Dated: New York, New York  
September 20, 2007

ITKOWITZ & HARWOOD  
Attorneys for Defendant  
COUNTY TRUST MORTGAGE  
BANKERS CORP.

By: \_\_\_\_\_

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TO: MILLER & WRUBEL, P.C.  
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CASE NUMBER: 07-CV-3700 (SAS)

UNITED STATES DISTRICT COURT  
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UBS REAL ESTATE SECURITIES, INC.,

Plaintiff,

-against-

COUNTY TRUST MORTGAGE BANKERS CORP.,

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